



MAYOR AND COUNCIL REGULAR MEETING NOTICE & AGENDA

The City of Tucson has a council-manager form of government. Policies are set by the Mayor and Council, who are elected by the people. Policies are carried out by the City Manager, who is appointed by the Mayor and Council. The Mayor and Council decides what is to be done; the City Manager, operating through the entire City staff, does it.

REGULAR COUNCIL MEETINGS

The Mayor and Council usually meet the first four Mondays of each month in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.

5:30 p.m. session [Order of business]

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| <ul style="list-style-type: none"> • Invocation and Pledge of Allegiance • Presentations • Summary of Current Events • Liquor license applications • Consent Agenda | <ul style="list-style-type: none"> • Call to the Audience. Individuals may speak up to three minutes. Call to the Audience will be limited to thirty minutes. Speakers may address any matter except items noticed as a Public Hearing. • Public Hearings. Individuals may speak up to five minutes. Each public hearing is limited to one hour. • Other Mayor and Council business as listed on the agenda for the meeting. |
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Copies of the agenda are available during the meeting. Additionally, the agenda, as well as reference documents, are available in the City Clerk's office prior to each meeting and on the City's web site. : www.tucsonaz.gov/agdocs

Ordinances and resolutions (the laws of Tucson) are considered during regular meetings. Those adopted with the emergency clause and the affirmative vote of five members of the Council take effect immediately. Those adopted without the emergency clause take effect thirty days after passage. Unless the Mayor or a member of the Council requests that an ordinance or resolution be read in full, it is read by number and title only. Routine items are scheduled under the heading of Consent Agenda, which allows a number of actions to occur with a single motion.

To better serve everyone in the community, the Mayor and Council chambers is wheelchair accessible. An assistive listening system for the hearing impaired is in place and closed captioning is available on cable television. A request for reasonable accommodation for persons with disabilities must be made in the City Clerk's Office at least two working days prior to the meeting and can be made by calling 791-4213 or 791-2639 (TDD).

PARTICIPATION BY THE PUBLIC

As a courtesy to others, please turn off or put in vibrate mode all pagers and cell phones.

To address the Mayor and Council:

- Complete a speaker's card and deposit it in the tray on the podium. Upon being recognized, state your name and address before proceeding.
- Submit written comments to the Mayor and Council (via the City Clerk) prior to and during the meeting.
- Call the Mayor and Council Citizen Comment Line at 791-4700 or write the City's Web Site, www.tucsonaz.gov/agdocs. Your comments will be transcribed and distributed to the Mayor and Council.

Persons attending the meeting shall observe rules of propriety, decorum, and good conduct, and refrain from impertinent or slanderous remarks. Violation of this rule shall result in such persons being barred from further audience before the governing body. A copy of the complete rules and regulations may be obtained from the City Clerk.

Robert E. Walkup – Mayor
Fred Ronstadt – Vice Mayor

Council Members

José J. Ibarra **Ward 1**
Carol W. West **Ward 2**
Kathleen Dunbar **Ward 3**

Shirley C. Scott **Ward 4**
Steve Leal **Ward 5**
Fred Ronstadt **Ward 6**

Revisions to the agenda can occur up to 24 hours prior to the meeting. Contact the City Clerk at 791-4213 (TDD: 791-2639, FAX: 791-4017 or WEB SITE: www.tucsonaz.gov/agdocs, 9th floor, City Hall, 255 W. Alameda for up-to-date information Monday through Friday, 8:00 a.m. to 5:00 p.m. [holidays excepted]. Live coverage of the meeting is cablecast on Tucson 12 and on Comcast Channel 59 (Mondays only). In addition, replays of the meetings are cablecast on Tucson 12 as follows:

Tuesdays – 9:00 p.m. Wednesdays – 9:00 a.m. Sundays – 9:00 a.m.

VHS tapes of meetings are available at the Tucson Main Library, 101 N. Stone.



MAYOR & COUNCIL MEETING NOTICE & AGENDA

REGULAR MEETING

**MONDAY, MAY 3, 2004 – 5:30 P.M.
MAYOR AND COUNCIL CHAMBERS
(CITY HALL, 255 WEST ALAMEDA, TUCSON, ARIZONA)**

1. ROLL CALL

2. INVOCATION AND PLEDGE OF ALLEGIANCE

INVOCATION – Reverend Ronald H. Rude, Lutheran Campus Ministry

PLEDGE OF ALLEGIANCE – Mayor, Council and public in attendance

3. MAYOR AND COUNCIL REPORT: SUMMARY OF CURRENT EVENTS

(a) Report from City Manager MAY3-04-208 CITY-WIDE

4. CITY MANAGER'S REPORT: SUMMARY OF CURRENT EVENTS

(a) Report from City Manager MAY3-04-209 CITY-WIDE

5. LIQUOR LICENSE APPLICATIONS

(a) Report from City Manager MAY3-04-215 City-Wide

(b) LIQUOR LICENSE APPLICATION(S)

NOTE: There are no applications for licenses scheduled for this meeting.

6. CONSENT AGENDA ITEMS A THROUGH D

A. INTERGOVERNMENTAL AGREEMENT: WITH PIMA COUNTY FOR TWICE-A-DAY INITIAL COURT APPEARANCES AND ARRAIGNMENTS

- (1) Report from City Manager MAY3-04-210 CITY-WIDE
- (2) Resolution No. 19821 relating to Intergovernmental Agreements; approving and authorizing an Intergovernmental Agreement with Pima County on behalf of Pima County Superior Court and Pima County Consolidated Justice Courts for the provision of Twice-A-Day Initial Appearances; and declaring an emergency.

B. RIO NUEVO MULTI-PURPOSE FACILITIES DISTRICT: APPOINTMENTS TO THE BOARD OF DIRECTORS

- (1) Report from City Manager MAY3-04-211 CITY-WIDE
- (2) Resolution No. 19820 relating to Rio Nuevo Multi-Purpose Facilities District appointing Margaret C. Hardy, and reappointing Ruben Suarez to the Board of Directors; and declaring an emergency.

C. REAL PROPERTY: VACATION AND SALE OF SURPLUS CITY PROPERTY ON WEST SPEEDWAY BOULEVARD TO FILIBERTO PINEDA

- (1) Report from City Manager MAY3-04-212 W1
- (2) Ordinance No. 9960 relating to real property; dedicating certain portions of City owned real property in the vicinity of West Speedway Boulevard between Riverside Drive and Grande Avenue as rights-of-way; vacating and declaring certain other portions of City owned property on West Speedway Boulevard between Riverside Drive and Grande Avenue to be surplus, and authorizing the sale thereof to Filiberto Pineda; and declaring an emergency.

D. PETITION: RESPONSE TO PETITION FROM KENNETH RINEER REGARDING FIREARMS IN CITY PARKS

- (1) Report from City Manager MAY3-04-206 CITY-WIDE

7. CALL TO THE AUDIENCE

At this time, any member of the public is allowed to address the Mayor and City Council on any issue except for items scheduled for a public hearing at the meeting. Speakers are limited to three minute presentations. Speakers must state their name, address, whether they reside in the City of Tucson, whom they represent, and the subject matter. Any person who is representing a person other than themselves and is receiving compensation to influence an action by the Mayor and Council, shall, before speaking, identify themselves as a "retained speaker." Pursuant to the Arizona Open Meeting Law, individual Council Members may ask the City Manager to review the matter, ask that the matter be placed on a future agenda, or respond to criticism made by speakers. However, the Mayor and Council may not discuss or take legal action on matters raised during "call to the audience".

8. ZONING: (C9-02-12) OCHOA – ST. MARY’S ROAD, R-2 TO O-2, REACTIVATION AND TIME EXTENSION

- (a) Report from City Manager MAY3-04-213 W1
- (b) Request for a time extension for rezoning property located at the northeast corner of St. Mary’s Road and Westmoreland Avenue. Applicant: Marc Ochoa the property owner. The preliminary development plan is for the conversion of an existing 1,200 square foot, single-story, multi-family residential structure on 0.17 acres into an office use. Because the rezoning case has expired it must be reactivated prior to any action. The City Manager recommends the Mayor and Council reactivate the case and approve a time extension from September 16, 2003 to January 26, 2005, subject to compliance with the following conditions:
 - 1. A development plan in substantial compliance with the preliminary development plan dated June 7, 2002, and the Design Compatibility Report, is to be submitted and approved in accordance with Section 5.3.8. of the *Land Use Code*.
 - 2. Renovations and/or repairs to the existing structure shall be limited to one-story and designed to be compatible with the existing residential character of the neighborhood. Elevations indicating colors of all existing and proposed structures shall be submitted at the time of development plan review.
 - 3. Outdoor lighting shall be full cutoff. All outdoor lighting in the parking lot area shall be located below the height of the screen walls.

4. If a commercial dumpster is used, it shall be located a minimum of fifty (50) feet away from residentially zoned or developed property and screened from view from adjacent residential development and public rights-of-way. If residential dumpsters are used, a screened storage area shall be identified on the development plan.
5. A six foot high masonry wall shall be located on the north property boundary with twenty-four (24) inch box canopy trees planted south of the wall a maximum of twenty-five (25) feet apart.
6. A thirty (30) inch high masonry wall shall be installed on the west side of the site along the entire length of the Westmoreland Avenue street frontage, except at vehicular or pedestrian entrances.
7. Vertical curbing shall be installed the length of the property along Westmoreland Avenue to replace the existing wedge curb.
8. Vehicles shall not park in the right-of-way area between the curb and the property line along Westmoreland Avenue.
9. A traffic directional sign shall be installed and maintained at the exit point onto Westmoreland Avenue, directing traffic to proceed south to St. Mary's Road.
10. Any required or proposed masonry screen walls shall be constructed of, or painted with, graffiti-resistant materials. These screen walls shall incorporate one of the following decorative materials: (a) tile, (b) stone, (c) brick, (d) textured brick/block, (e) a coarse-textured material such as stucco or plaster, or (f) a combination of the above materials.
11. Any continuous wall greater than 75 feet in length and 3 feet in height visible from the public right-of-way shall vary the wall alignment (jog, curve, notch, or setback, etc.) and include trees or shrubs in the voids created by the variations.
12. An archaeological assessment and survey shall be performed by a qualified archaeologist before any grading or other ground modification takes place. If cultural features or remains are found, testing and data recovery shall be completed as needed. Copies of testing plans, testing reports, data recovery plans and final reports shall be submitted to and approved by the City Historic Preservation Office prior to construction work commencing. If, during construction, human remains and associated burial items are discovered, ground disturbing activities in the vicinity of the discovery will cease, the discovery site will be secured, and the Arizona State Museum will be immediately notified as required under A. R. S. 41-865.

13. “Safe by Design” concepts shall be incorporated in the development plan for review by the Tucson Police Department.
14. Any relocation, modification, etc., of existing utilities and/or public improvements necessitated by the proposed development shall be at no expense to the public.
15. Dedication or verification of the existence of right-of-way as provided on the *Major Streets and Routes Plan* map, along St. Mary’s Road frontage of the site and dedication of a twenty-five (25) foot radius spandrel at the southwest corner of the site.
16. Any unused curb cuts shall be closed.
17. Any existing damaged sidewalk shall be removed and replaced.
18. A drainage report shall be prepared and approved, including detention analysis.
19. Water harvesting techniques will be employed to the maximum extent reasonably possible.
20. Barrier-free access routes shall be designed so that they are free of flooding during the ten-year frequency flood event.
21. The drainage report shall address conformance with FEMA requirements for finished floor elevation and utility installations.
22. ~~One year is allowed from the date of initial authorization to comply~~ Compliance with all Code requirements and conditions of rezoning by January 26, 2005. Further time extensions beyond January 26, 2005, shall require a public hearing before the Mayor and Council.

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One (1) written approval and one (1) written protest have been received for this case. None of the protests lie within the 150 foot protest area resulting in zero percent protest by area in all directions.

A simple majority vote will be necessary to reactivate the case and approve a time extension.

9. WATER: NOTICE OF INTENTION TO INCREASE WATER RATES, AND SCHEDULING A PUBLIC HEARING FOR JUNE 7, 2004

- (a) Report from City Manager MAY3-04-214 CITY-WIDE & OUTSIDE CITY
- (b) Resolution No. 19822 relating to water; approving and authorizing the CWAC rate recommendations; approval of notice of intent to increase certain water rate components and fees; to schedule a public hearing; and declaring an emergency.

The City Manager recommends that the Mayor and Council:

- Adopt Resolution 19822, giving notice of intention to increase certain water rate components and fees and setting June 7, 2004, as the date for a public hearing on the proposed rate schedule. Approved rate increases go into effect on July 12, 2004.
- File the Citizens' Water Advisory Committee Report "*Recommendation of FY 2005 Water Sales Revenues Among Customer Classes/Related Rate Schedule*" in the City Clerk's Office as the report supporting the proposed rate schedule.

10. APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

- (a) Report from City Manager MAY3-04-207 CITY-WIDE

11. ADJOURNMENT

The next regularly scheduled meeting of the Mayor and Council will be held on Monday, May 10, 2004, at 5:30 p.m. in the Mayor and Council Chambers, City Hall, 255 W. Alameda, Tucson, Arizona.